



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

history, but as affording some additional information regarding the interplay of social and economic forces in the beginnings of American society.

ARNOLD BENNETT HALL

UNIVERSITY OF WISCONSIN

Comparative Legal Philosophy. By LUIGI MIRAGLIA. Translated from the Italian by JOHN LISLE; with an introduction by ALBERT KOCOUREK. Boston, 1912.

Kocourek, in his introduction to this volume by Miraglia, tells us that it also, like Berolzheimer, is a historical presentation of legal philosophy. But one has to read Miraglia before he can realize that his treatment of comparative legal philosophy is historical. The historical character of Miraglia's treatise would not be inferred from its table of contents. That Berolzheimer is historical we see by merely glancing at its table of contents; the epochs of history stand out in his chapter headings. But when we first look at Miraglia, we think of his introduction only as historical, which is a brief, rapid sketch of the great writers on law, from Greek speculation to the modern sociological conception of law.

The body of Miraglia's treatise is analytical, more accurately, historico-analytical. That is, it combines, as the reviewer would say, logic and history, but Miraglia, as a follower of Vico, says comparative legal philosophy must be a combination of the true (metaphysics), and the certain (history) (cf. p. 94). Miraglia clearly does not belong to the same school as Vanni, who presents the problem of the philosophy of law as a science of the first principles of the genetico-evolutionary theory. Comparative legal philosophy, according to Miraglia, becomes a causal explanation of legal institutions; he rests his explanation in the domain of empirical knowledge, in the domain of biology, psychology, and economics. But from this modern sociological standpoint, Miraglia brings comparative legal philosophy beyond the mere political and historical interpretation of law.

Law is represented as an evolutionary growth adapting itself from age to age with variations in social conditions and responding to the ideals of the time. This, as Kocourek observes in his introduction, does not rest on a conception of causality which involves "blind, unconscious, or mechanical enfoldment of social institutions implied in a Darwinistic institution. An element of hazard is present, but the voluntary element persistently overrides the spontaneous factor or

growth. This view of legal institutions is one which may confidently be expected to find among us an approving reception when it is better understood" (p. xvii). The result of Miraglia's method is a scientific metaphysics. But of such a metaphysics, we can say that it "does not lead too far into the dark, and yet holds something up to our aspirations toward knowledge." Such a metaphysics need not frighten anyone away from the philosophy of law.

Miraglia's treatise is divided into two parts. Book I is a general part, occupied with an analysis of the idea of the philosophy of law; the theoretical presuppositions of the deductive idea of law; and corollaries of these theoretical presuppositions.

Succeeding chapters investigate the practical foundations of the deductive idea of law, and exhibit a critical analysis of the principle definitions of law by writers like Hobbes, Spinoza, Spencer, Kant, and others. The concluding chapters of Book I are occupied with pointing out the relations of law, morals, and social science; and law, social economy, and politics; the distinction between rational and positive law; and the sources and application of positive law.

Book II is entitled, "Private Law." It is an elementary treatise on law from the historico-sociological standpoint, grounded in a well-defined and clearly reasoned system of thought, which consciously correlates philosophy with the legal, social, and political sciences. "The second part of this book," Miraglia tells us in his preface, "has no other object than to extend philosophical thought over various subjects that for a long time have been considered apart from any such relation."

The general purpose of the series, of which Miraglia forms the third volume, was sufficiently stated in the review of Berolzheimer in this *Journal*, January, 1914, p. 562. Sociologists, economists, and political theorists, as well as advanced students of law and jurisprudence, should hail the appearance of this series with an appreciation that will express itself in the actual reading of some of these volumes.

For the economist, as for the case lawyer, Berolzheimer and Miraglia, the two historical volumes of the series, will furnish a wider outlook than the "ocean of cases" in which the latter is likely to be drowned, or the merely mechanical details of industry and commerce by which the former is likely to be submerged.

ISAAC A. LOOS